

**MINUTES**  
**PERSONNEL COMMITTEE**

Monday, July 15, 2013

City Hall, Room 310

6:30 p.m.

Members Present: Chair Andy Nicholson, Ald. Tom DeWane, Ald. Amy Kocha, Ald. Tom Sladek

Others Present: Director Lynn Boland, Chief Tom Molitor, Director Steven Grenier, Director Dawne Cramer, Director Dawn Foeller, Director Rob Strong, Director Tom Wittig, Chief David Litton, Asst. Chief Mike Niefert, City Attorney Tony Wachewicz, Administrator Robyn Hallet and others

1. Roll Call.

2. Adoption of the Agenda.

A motion to adopt the agenda was made by Ald. DeWane, seconded by Ald. Kocha. Motion carried unanimously.

3. Approval of the minutes of the meeting of June 11, 2013.

A motion to approve the minutes of the meeting of June 11, 2013 was made by Ald. DeWane seconded by Ald. Sladek. Motion carried unanimously.

4. Request to fill the following positions and all subsequent vacancies resulting from internal transfers.

- a. Patrol Officer (2 positions) – Police
- b. Civil Engineer I – Public Works
- c. Enforcement Attendant – Public Works
- d. Custodian – Public Works
- e. Truck Driver – Public Works
- f. Sanitation Laborer – Public Works
- g. Maintenance Specialist III/Carpenter – Park, Recreation & Forestry

A motion to take 4a. through 4g. as one motion was made by Ald. DeWane and seconded by Ald. Sladek. Motion carried unanimously.

A motion to approve the request to fill positions 4a. through 4g. and all subsequent vacancies was made by Ald. DeWane and seconded by Ald. Kocha. Motion carried unanimously.

5. Recommend a 2.0% general increase for the following employee groups, effective with the start of the payroll period in which October 1, 2013 occurs.

- a. Administrative
- b. Bay Area
- c. Crossing Guards
- d. Electricians
- e. Inspectors
- f. Parks and Forestry Maintenance
- g. Public Works Labor
- h. Seasonal

A motion to hold the recommendation for a 2% general salary increase for the above employee groups until the next Personnel Committee meeting was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

6. Request to reclassify the Assistant Fire Chief position from Administrative Pay Grade 40 to Administrative Pay Grade 41.

Director Boland stated the Assistant Fire Chief is currently classified one grade below the Assistant Police Chief and the Assistant Public Works Director. The Asst. Fire Chief position is recommended for reclassification to Administrative Pay Grade 41 with no additional holiday or EMT pay. The net increase of the reclassification is \$830 per year.

A motion to hold the request to reclassify the Assistant Fire Chief position for one month was made by Ald. DeWane and seconded by Ald. Sladek.

Under discussion, Ald. DeWane explained he needs further information regarding the workload and responsibilities of the Assistant Fire Chief position and the two positions that were added under Chief Roemer.

Motion carried unanimously.

7. Request to reclassify two positions in the Community Services Department, Housing Division as follows:
- a. Reclassify Senior Property Manager position from Administrative Pay Grade 32 to Administrative Pay Grade 33.
  - b. Reclassify Property Manager position from Administrative Pay Grade 31 to Resident Services Coordinator, Administrative Pay Grade 28.

Director Boland stated the Senior Property Manager retired earlier this year and the Property Manager was brought into the position on an interim basis. Based on the work the individual has done on an interim basis; the department would like to upgrade the Senior Property Manager position and change the previous Property Manager position to an administrative position. The net result is a cost savings.

Director Rob Strong explained there were two property manager positions. The Property Manager managed the scattered housing sites and the Senior Property Manager managed Mason Manor. The reclassification would combine the two manager positions into one manager position. The Resident Services Coordinator position would provide administrative support to the Senior Property Manager and assume the more routine functions of the Property Manager position. The restructuring of job duties results in an annual cost savings of \$1,829.

Ald. DeWane questioned the pay grade determination for the Resident Services Coordinator position. Director Boland explained this position is under the general supervision of the Senior Property Manager, but would also have some independent functions. Job duties would include coordination of activities and events for Mason Manor residents, collecting rent from residents, entering payments, maintaining account files, coordinating fraud recovery activities, identifying and pursuing new funding opportunities through HUD and other areas, and assisting with writing and distributing of the newsletter to the tenants. Director Strong stated the position is federally funded. Discussion continued regarding the placement of the position in the administrative salary schedule and the evaluation process used to classify the positions. Ald. Sladek favors the reclassifications but questioned whether the Senior Property Manager position would be posted for all interested individuals. Director Boland stated the policy allows flexibility as to whether the position is posted or an individual is assigned the position. Ald. Sladek asked for confirmation that the request is to reclassify the positions, not award the positions to specific individuals. Director Boland confirmed the request is to reclassify the positions. Ald. Kocha supports the reclassification of the positions and the process used by Human Resources for an objective review. Ald. DeWane stated his concern is whether the Resident Services Coordinator position needs to be an administrative position and whether the position will be posted for all individuals. Director Strong stated the department asked that the existing employee be allowed to fill the Senior Property Manager position and will address this issue with Human Resources. The Resident Services position is vacant, so it will be advertised and posted for all individuals.

A motion to approve the reclassification of the Senior Property Manager position from Administrative Pay Grade 32 to Administrative Pay Grade 33 was made by Ald. Kocha, seconded by Ald. Sladek. Motion carried 3-1. Ald. Nicholson voted no.

A motion to approve the reclassification of the Property Manager position from Administrative Pay Grade 31 to Resident Services Coordinator, Administrative Pay Grade 28 was made by Ald. Kocha, seconded by Ald. Sladek. Motion carried 3-1. Ald. DeWane voted no.

8. Recommendation to authorize reimbursement of actual moving expenses for Fire Chief David Litton in an amount not to exceed \$12,908.28.

A motion to approve the recommendation to authorize reimbursement of actual moving expenses for Fire Chief David Litton in an amount not to exceed \$12,908.28 was made by Ald. DeWane, seconded by Ald. Kocha for discussion. Three quotes were received for moving expenses, with the lowest bid from Bekins Van Lines. Ald. Kocha inquired if there was any discussion regarding reimbursement of moving expenses during the recruitment process. Director Boland stated it was discussed, but Chief Litton accepted the position without knowing whether the moving expenses would be reimbursed. Chief Litton was aware that approval would be required from the committee. Ald. Kocha asked if there are budget funds available and what fund this expenditure would be paid from. Director Boland indicated the reimbursement would be paid from the Fire Department budget. Ald. DeWane recommended approving the reimbursement of moving expenses, but suggested finding another funding source.

A motion to approve reimbursement of actual moving expenses paid from contingency for Fire Chief David Litton in an amount not to exceed \$12,908.28 was made by Ald. DeWane, seconded by Ald. Kocha.

Ald. Sladek disagreed with paying the costs from contingency. This is the cost of operating the Fire Department and the costs should be paid by the department. Director Boland said the policy states the funding for these expenses are paid from the operating budget of the department that is filling the position.

Ald. Kocha withdrew her second of the motion.

A motion to approve the reimbursement of actual moving expenses paid from the Fire Department budget for Fire Chief David Litton in an amount not to exceed \$12,908.28 was made by Ald. Sladek, seconded by Ald. Kocha. Motion carried 3-1 with Ald. Nicholson voting no.

9. Recommendation to approve a transition plan for implementation of the revised escrow account provision.

Director Boland explained that in 2011 the City Council took action in both the collective bargaining agreements and in the City's Personnel Policy to change the escrow account provisions. The City Personnel Policy, and the AFSCME Bay Area, Parks Maintenance, Bridgetenders, Transit Drivers and Bus Mechanic agreements all used a calculation that was based on the percentage of sick leave the employee had used during their entire employment with the City. In 2011, the calculation for determining the escrow account was changed to be consistent with the provision found in the Public Works and Electricians agreements which allows retiring employees to escrow up to 688 hours of unused sick leave. However, in making that transition, employees who retire prior to December 31, 2013 are allowed to use whichever calculation is to their advantage. There are a number of senior employees who are concerned they will be forced to retire by

the end of this year if they want to take advantage of their escrow accounts. To address this concern, a plan was developed that would offer to individuals who are eligible for retirement the option to sign a one time irrevocable decision to have the value of their escrow account calculated as if they were retiring on December 31, 2013 without requiring them to retire. The employee's sick leave balance would be taken off the books and their vacation account reduced by the amount of vacation time placed in escrow. The employee would not have to retire, but would be able to lock in the amount placed in escrow. Director Boland stated we tried to calculate who might fall into this category, which would be individuals that have more than 688 hours of sick leave on the books and are retirement eligible; and it appears there may be 6 to 12 employees from the groups mentioned above who might take a look at this option.

Discussion followed. Ald. Sladek supports the plan and feels it makes good sense. The plan provides an option to employees who would prefer not to retire at the end of year with no additional cost to the City. Ald. Kocha also supports the plan and stated the plan appears to be well thought out. The City shouldn't lose good employees just because of the formula. Director Boland explained the funds would not be transferred to the escrow account until an employee actually retires. Ald. DeWane wondered about employees who are within a couple of years of retiring. Director Boland stated the plan would offer an option to employees who are close to retiring.

A motion to open the floor to interested parties was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

Reed Lewis, City employee, inquired what is meant by retirement age. Director Boland responded anyone eligible for retirement under WRS. There are a number of employees who are eligible to retire but would not be affected by this provision because they do not have enough time in their sick leave balances.

A motion to return to regular order of business was made by Ald. DeWane, seconded by Ald. Sladek. Motion carried unanimously.

Ald. DeWane questioned if this discussion could be held until the next meeting to allow AFSCME time to review the plan. Director Foeller indicated that employees who are considering retiring before the end of the year need to make decisions now as the WRS process can take four to five months.

A motion to approve the recommended transition plan for implementation of the revised escrow account plan was made by Ald. Kocha, seconded by Ald. Sladek. Motion carried 3-1 with Ald. DeWane voting no.

10. Request by Ald. Nicholson to review the Hook and Ladder Program with possible action.

Ald. Nicholson stated he brought this forward so the committee could have a chance to discuss the program. Ald. Nicholson asked Asst. Chief Nieft to give a brief description of how the program started.

Asst. Chief Nieft gave a brief overview of the program.

- Meeting with the Mayor and representatives from Bellin Hospital to introduce the program to the City in December 2012.
- Meetings were held and the program needs were discussed with Bellin representatives over the next couple of months.
- The basis of the program is to provide home health checks for recently discharged patients who meet certain qualifications and who are determined to be at-risk. The home visits are conducted by members of the Fire Department to make sure patients are complying with discharge instructions and a home safety check is completed. The average call lasts approximately one half hour.
- Medical concerns are reported back to Bellin.
- Fire crews remain available to respond to emergency calls.
- The Fire Department has conducted eight home visits successfully.
- A review of the program is planned after 25 calls have been completed.

Discussion followed on the implementation of the program without discussion by the City Council. Ald. Sladek inquired if there are any City Ordinances regarding administration initiating programs such as this without involvement of the City Council. Atty. Wachewicz was not aware of any ordinances. Ald. Kocha disagreed with the implication that staff was responsible to question the Mayor if he had the authority. Ald. Nicholson stated in his opinion, the City is basically subsidizing Bellin for their services. Ald. Nicholson questioned how City services can be provided by the authority of the Mayor, the cost of providing those services and whether the City is losing money by providing these services to Bellin Hospital at \$50 per call. Ald. Nicholson asked Asst. Chief Nieft to report back at the next meeting the facts of the calls, i.e. length of each call, the number of officers per call, what rig goes out, estimated cost per call. Asst. Chief Nieft stated the service provided has not taken over one half hour on any of the calls.

Ald. Sladek supports holding this over until next month and requests that Atty. Wachewicz provide some perspective on how to create greater clarity around matters like this. Ald. Sladek questioned if a policy or ordinance needs to be created to clarify Council authority when City resources are committed in exchange for revenue. Ald. Kocha would like the Mayor to attend the meeting next month to give his understanding of his authority. Ald. Nicholson asked Director Boland to provide the names of the three Bellin representatives at the December 2012 meeting.

A motion to hold the review of the Hook and Ladder Program until the next Personnel Committee meeting with reports back from the Fire Department on the status of the Hook and Ladder pilot program and from the City Attorney on the

options clarifying City Council authority was made by Ald. Sladek, seconded by Ald. Kocha. Motion carried unanimously.

11. Request by Ald. Nicholson to review the Animal Control Service contracts with the Villages of Allouez and Ashwaubenon and the City of DePere.

Ald. Nicholson asked the committee to hold this item for one month.

A motion to hold the request by Ald. Nicholson to review the Animal Control Service contracts with the Villages of Allouez and Ashwaubenon and the City of DePere for one month was made by Ald. DeWane, seconded by Ald. Kocha. Motion carried unanimously.

12. Report of Routine Personnel Actions for regular employees.

A motion to receive and place on file the report of Routine Personnel Actions for regular employees was made by Ald. Kocha, seconded by Ald. Sladek, motion carried unanimously.

13. Update and discussion regarding labor negotiations.

- Bay Area Municipal Employees Union Local 1889, AFSCME, AFL-CIO
- Amalgamated Transit Union Local 857, ATU, AFL-CIO
- Green Bay Professional Police Association

A motion to open the floor to interested parties was made by Ald. DeWane, seconded by Ald. Kocha, motion carried unanimously.

Mary Scoon, AFSCME Council 40, staff representative for Local 1889, Bay Area Municipal Employees union. Ms. Scoon stated the AFSCME contract expires at the end of this year. Everything is up in the air with the courts right now; the Supreme Court is going to hear the Colas case at some point in time. Ms. Scoon stated the reason they are asking for a contract for 2014 is because of that uncertainty in the courts. The contract provides stability for the employees and stability for the employer because everybody knows what the rules are pending the court case and the decision to come down. A contract would give the City the opportunity and the time to develop the new employee handbook, etc. should Act 10 be upheld. The contract would only be for one year. We do not anticipate any fiscal impact to the City for that contract for one year, basically rolling over what we have right now.

Ald. DeWane asked Ms. Scoon to confirm there would be no fiscal impact to the City; it's basically the contract Bay Area has right now. Ms. Scoon said it would not be a contract extension, it has to be a free standing, by law we are only allowed one year at a time. The contract would be effective for 1/1/2014 through 12/31/2014. Ms. Scoon was aware there has been some legality questions

about it. Ms. Scoon shared a document with the committee members. The law firm that helped draft Act 10, said it wasn't a bad idea for MATC to enter into a contract with the American Federation of Teachers. That happened back in February. They also had a second opinion by Davis & Kuelthau. With the uncertainty, this creates a lot of certainty for the employees.

Ald. Sladek asked what type of uncertainty this alleviates. Ms. Scoon replied for many, many years we've bargained contracts and the supervisors, the managers, the employees know what's in the contract. We know what the rules are and during this period of transition while management is working on employee handbooks, etc. as people move forward, it makes them easier to plan. The employees know what their life is going to look like next year and their working conditions are spelled out. It creates continuity during this period of uncertainty in the courts. Ald. Sladek inquired if it prevents the City from making changes. Ms. Scoon stated yes, if the City Council said we'd do this contract but we want to make this change, we would have to have that discussion. We'd have to talk about that. What we're seeing here tonight as part of requesting that contract, we are not going to come to you and say we want more vacation, or we want another floating holiday, or when we were talking about a fiscal impact or those types of modifications. Ald. Sladek asked what the most important components of the contract are that AFSCME is seeking to maintain for an additional year. Ms. Scoon said the entire contract. Ald. Sladek asked what is most important. Ms. Scoon replied seniority, just cause, our grievance procedure, our arbitration process where we have an impartial hearing officer for grievances. There are a lot of components; layoff provisions and job postings that don't have a fiscal impact to the City but are very important to the employees.

Ald. Kocha asked what Ms. Scoon's response is to the concern that the City would be entering into a contract that involves negotiation of more than just wages and the fact that Act 10 prevents the City from doing that. Ald. Kocha questioned how they can cross that legal hurdle. Ms. Scoon stated that based on a minimum, the document I gave you, and because of the uncertainty of Act 10 being upheld in its entirety or certain portions. No one knows how that is going to work out. Ald. Kocha questioned whether that would create more uncertainty for the employees. An example of awarding positions by seniority was discussed. Ms. Scoon stated there have been places across the State that kept seniority, just cause, the grievance process and the WERC for arbitration.

Jodi Belongea, City employee. Ms. Belongea stated that in the case of seniority, she hasn't seen the most senior candidate being awarded a job in a long time. It does state senior most qualified, so to think that the most senior person actually receives the job, I would question when that last happened, I don't recall. Ald. Sladek asked if it stated senior most qualified or does it say senior who meets qualifications. Ms. Belongea stated it says senior most qualified. Director Boland stated the language may have been modified to if two candidates are determined



to be equally qualified, then the most senior candidate would be selected. This language is in the policy.

A motion to return to regular order of business was made by Ald. Kocha, seconded by Ald. Sladek. Motion carried unanimously.

A motion to convene in closed session was made by Ald. Sladek, seconded by Ald. DeWane. Roll call vote 4-0. Ald. Kocha read the closed session language.

Reporting out of closed session, a motion to direct staff to meet with representatives of Bay Area Municipal Employees, Local 1889, AFSCME to review City policies was made by Ald. Kocha, seconded by Ald. Sladek. Motion carried unanimously.

There being no further business, a motion to adjourn was made by Ald. Sladek and seconded by Ald. DeWane at 8:15 p.m. Motion carried unanimously.

Respectfully submitted,  
Peggy Barden  
Recording Secretary